

KEY INFORMATION

Ward West End

Proposal

Demolition of vacant industrial premises and erection of 50 residential units

Address

Bellfield House
31 Bellfield Street
Dundee

Applicant

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Agent

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Registered 11 Nov 2008

Case Officer Eve Jones



Proposed Housing Development in Bellfield Street

The demolition of a vacant industrial premises and erection of 50 residential units is **RECOMMENDED FOR APPROVAL with conditions subject to the recording of a Section 75 Agreement**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that in this particular case, the material considerations of the site and its location are sufficient to support the development despite its failure to meet all of the criteria in the Dundee Local Plan Review 2005.

It is therefore recommended that the application be **APPROVED** with conditions subject to the recording of a Section 75 Agreement to prevent HMO use.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 50 dwellings comprising:
 - 37 x 2 bedroom flats and 13 x 3 bedroom houses.
- The flats will be in two blocks of 4 and 5 storeys, both of which have lifts. All have a usable balcony; bike and bin stores and the northern block also has roof terraces and drying areas. The houses are a terrace of 9 units and 4 semi-detached houses all with private gardens of at least 50m². The flats have 100% private parking and the houses have a single car driveway.
- This is a long rectangular site on the north east side Bellfield Street at its junction with Blackness Road and close to Hawkhill. The surrounding uses are new residential development to the north, educational uses to the east and commercial buildings to the west. The wider area has considerable amounts of new development in association with the University.
- Dundee Local Plan 2005. The following policies are of relevance: Policy 2 - Housing Land Release and Policy 4 - Design of New Housing.
- Planning permission was granted in 2006 for the redevelopment of this site for housing comprising 30 flats and 9 houses subject to a Section 75 agreement to restrict HMO use. This permission has not been implemented.
- The development fails to meet the Appendix 1 criteria in respect of parking standards and privacy distances at the north end of the site.
- This site offers an opportunity to provide a development of flats and houses close to the City Centre and the University with good transport links and close to local shopping. It will provide for first time buyers and those wishing to downsize as both blocks of flats are served by lifts. The site will encourage more sustainable living based on the accessible public transport.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 50 dwellings comprising:

37 x 2 bedroom flats and 13 x 3 bedroom houses.

The flats will be in two blocks, 29 units in a mainly 5 storey block at the northern end of the site and 8 units in a 4 storey block at the southern end. Both blocks have lifts. The northern block comprises 24 flats of 60m² but the corner flat on each floor is approximately 100m². The upper floor units all have a usable balcony; the block also has roof terraces; drying areas and garden ground of approximately 75m² with separate bike and bin stores. The southern flats are 70m² and have balconies on the west elevation off the lounge. They also have a separate bike and bin store and shared garden ground of 108m².

The houses comprise a terrace of 9 units facing on to Bellfield Street and 4 semi-detached houses off the southern cul-de-sac. They have a floor area of 67m² and provide 3 bedrooms. All have private gardens of between 50 and 76m².

The properties are accessed from two cul-de-sacs with 100% private parking for the flats. The houses all have a single car driveway to the front of the property. The applicant's agent has submitted a supporting statement in respect of the level of parking provision; a design statement; a Noise Impact Assessment and a Preliminary Risk Assessment in respect of contaminated land.

The design is modern and the materials comprise multi buff facing brick, off-white render with blue render and timber detailing. The roof will be a thin membrane with standing seams to replicate the appearance of lead. Landscaping is proposed within the site.

SITE DESCRIPTION

The site lies on the north east side Bellfield Street at its junction with Blackness Road and close to Hawkhill. It comprises the current site of a long narrow storage warehouse and demolition of this building has recently commenced. The existing building

had on street parking, no yard areas and 6 vehicle access doors on to Bellfield Street. The surrounding uses are mixed and include new residential development to the north; the Al-Maktoum Institute and St Josephs



Church to the east; St Josephs School to the south and commercial buildings including car sales and repairs to the west. The Al Maktoum and the church are listed buildings and, with the school, comprise a group of large institutional buildings. The wider area is characterised by considerable amounts of new development in association with the University, much of which involves significant buildings of modern design and materials.



POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 2 - Housing Land Release.

Policy 4 - Design of New Housing.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

The proposal involves the redevelopment of an Inner City brownfield site which is considered to be sustainable and in accordance with the aims of Agenda 21.

SITE HISTORY

Planning permission was granted in 2006 for the redevelopment of this site for housing comprising 30 flats and 9 houses. (Ref 06/00327/FUL) The consent was issued subject to a Section 75 agreement to restrict HMO use. This permission has not been implemented.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and no objections were received. The application was also advertised as a development contrary to the Development Plan, no objections were received.

CONSULTATIONS

Scottish Water advises that a separate system is required to deal with Surface Water. This can be the subject of an appropriate condition if Members are minded to approve the application.

Environmental Health and Trading Standards advises that the submitted Noise Impact Assessment is acceptable and it's recommendations and the treatment of potential ground contamination at this site can be the subject of conditions if Members are minded to approve the application.

Waste Management has agreed the bin store provision.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 4: Design Of New Housing - "The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management."

There is no brief for the site. However as noted in the Planning History above, planning permission has previously been granted for residential development comprising flats and houses.

Appendix 1 requirements - "House Types. Flats will only be permitted if identified in a site planning brief or site specific circumstances demand a flatted solution. Flats should have a minimum gross internal floor area of 60m²."

The applicant's agent states in the supporting Design Statement that the site is very visible for those descending Blackness Road where there are recently erected 4 storey buildings. In order to create a landmark piece of townscape, a feature building is proposed at the north end of the site. Similarly, at the south end, a flatted block is proposed to visually terminate the site adjacent to the large block of the primary school. Two storey starter homes are proposed between these two blocks and in the quieter area off the cul-de-sac.



It is considered that the site specific circumstances in the justification for the erection of two apartment blocks at either end of this particular site are acceptable in the discharge of this part of Appendix 1.

All of the houses have 3 bedrooms and meet the policy.

Access/Car/Cycle Parking - "Houses should have 1 space within the curtilage and in addition 40% should have a garage or space for one. Visitor parking of 30% should also be provided. Flats should have 130% parking."

The proposed two accesses replace the six entrances to the existing commercial building accessed by lorries and on street parking by commercial vehicles. All of the houses have one space which does not fully meet the standards. The proposed 100% parking for the flats does not meet the required standard for car parking. The apartment blocks both have cycle parking to meet the standards.

Amenity/Garden Space/Drying - "A minimum of 50m² usable private garden should be provided for houses and 30% should have more than 75m²." The houses meet the minimum private garden provision and there is a range of garden sizes with 4 houses having 75m². The rear gardens all have a path to the street and thus the garden provision for the houses meets the policy.

In respect of apartments, the criteria requires; "usable private communal garden areas of 100m² or 10m² per flat whichever is greater", with drying areas additional. "However private communal gardens provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided".

All of the apartments on the upper floors of the flats have balconies which are well located and usable. The northern block also has terraces on the roof for drying and amenity use. This offsets the smaller area of shared garden ground at this block. The southern block has 100m² of usable private communal garden and balconies at upper levels. It is considered that this level of provision meets the requirements of the policy.

Privacy - "The policy seeks to maintain a distance of 18 metres between facing windows of habitable rooms." The only residential development adjoining the site is the relatively new flats and houses on the north side of Blackness Road at the north side of the site. In order to create a building with good architectural features on this corner to match the existing flats, the new development will be approximately 16 metres away and does not meet the policy.

Waste disposal/recycling - Waste Management has agreed the provision within the development.

However, Policy 4 requires more than simply a catalogue of criteria to be met. The policy requires that the design and layout of all new housing should be of a high quality. The design of the development is modern and in keeping with this part of the City. It creates a landmark development at an important junction with a mix of houses and apartments. The addition of good landscaping will further enhance the quality of the

development and contribute to the regeneration of this part of the City.

It is concluded that the development fails to meet the Appendix 1 criteria in respect of parking standards and privacy distances at the north end of the site.

Policy 2: Housing Land Release identifies the basis upon which any proposals for housing land additional to the sites allocated in the Plan will be considered.

This site is not allocated in the Local Plan and would fall to be considered under the terms of Policy 2.

The criteria in the Policy are:

- a "housing development is in accordance with all other policies in the Local Plan; and
- b it will make a positive contribution to quality and choice of housing available in the local area; and
- c it satisfies all housing standards in Appendix 1; and
- d it will improve tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives."

As noted above, the proposal does not comply fully with Policy 4 and Appendix 1. However the design and materials are of high quality, it will contribute to the wider regeneration of this part of the City and it will provide smaller units in comparison to nearby larger townhouse developments. As planning permission has been granted for residential development on this site the principle of release of this site for this use has already been established. It is considered that the proposal complies with Policy 2.

It is concluded from the foregoing that the proposal does not fully comply with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

- Parking level - Submitted Justification:

The agent has submitted a supporting statement in respect of the provision of parking at the reduced level of 100%. It notes that the site is well located

with regard to employment and training in the City Centre and the University, the shops in Blackness Road and the facilities of the West End and Cultural Quarter. Bus services are accessible and the site is a very sustainable location. It considers that, "For those without cars this is an ideal location in which to live".

The site has a space allocated to each unit. However, it is likely that the provision of visitor parking will be abused by visitors to the University and the Whitehall Theatre.

In order to reduce CO2 emissions to improve air quality, car use and the need for car ownership must be reduced. It is argued that this site will be attractive to those who do not own a car and the provision of 100% parking is more than sufficient for the residents.

It is agreed that this site is well located in relation to the City Centre, University and a wide range of facilities and is also well served by public transport. It is considered that the argument for the restricted parking provision is well made and is acceptable in this particular case.

- Privacy:

The development will be a minimum of 16 metres from the recent developments on the north side of Blackness Road. The flats on that side were built close to the road for townscape reasons to create a feature building. For similar reasons, this development should also occupy this wide sweeping corner. Within the Inner City, properties are generally closer together and it is considered that, for urban design reasons, the reduced distance of 16 metres is acceptable in this location.

- HMO use:

In September 2005, the Planning and Transportation Committee approved draft supplementary guidance for controlling HMO's for consultation. This states that within a specific area of the City, the occupation of dwellings in new residential developments by 3 or more unrelated persons will be prevented through the use of Section 75 Agreements.

The planning permission previously granted on this site does have a Section 75 to restrict HMO use but those were larger properties. The houses in this development all have 3 bedrooms and

may be occupied by 3 or more unrelated persons. It is therefore considered that it would be appropriate in this instance to restrict the use of the properties as HMO's.

It is considered that the material considerations support the application as detailed in the Conclusion below.

Design

The design issues have been considered in the Observations above.

CONCLUSION

This site offers an opportunity to provide a development of flats and houses in a location close to the City Centre and the University with good transport links and close to local shopping. The housing will provide for first time buyers and also may attract those wishing to downsize to a more central location as both blocks of flats are served by lifts. Due to the central location of the site, the agent has successfully argued that the parking provision is sufficient for residents, will not allow casual parking related to the University and will encourage more sustainable living based on the accessible public transport. It is considered that in this particular case, these material considerations are sufficient to support the development despite its failure to meet all of the criteria in the Dundee Local Plan Review 2005.

RECOMMENDATION

It is therefore recommended that planning permission be granted with conditions subject to the recording of a Section 75 agreement to prevent HMO use.

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, between the Council and parties with appropriate interests in the land, has been recorded. This agreement will relate to the prohibition of any of the dwellings hereby approved becoming a house in multiple occupation.

Recommendation 2

It is Recommended that planning permission be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 The means of access to the development shall be laid out and formed in accordance with details to be submitted to and approved by the City Council before the use is commenced.
- 4 Before the any of the residential units is first occupied the car parking and manoeuvring areas indicated on the approved drawings shall be provided and thereafter kept available for use at all times.
- 5 The footway ex adverso the site on shall be reinstated in accordance with details to be submitted to and approved by the City Council prior to the commencement of the development. The works to the footway shall be completed prior to the occupation of any of the units hereby approved.
- 6 Development shall not begin until an investigation and risk assessment proposal is agreed with the planning authority and a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - a the nature, extent and type(s) of contamination on the site;
 - b measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - c measures to deal with contamination during construction works; and
 - d verification of the condition of the site on completion of decontamination measures.

- 7 Before any unit is occupied the remediation strategy as required by Condition 06 shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority".
- 8 Prior to the commencement of development, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details. This will include landscaping for the roof garden/amenity area to be provided on the roof of the north most block of flats.
- 9 The landscaping scheme as detailed in condition 08 shall be fully implemented in accordance with the approved details within 6 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 10 The noise mitigation measures detailed in Paragraph 4 of the Noise Impact Assessment by New Acoustics dated 16 December 2008 shall be implemented in full prior to the first occupation of any of the units hereby approved. Details of the measures to be installed shall first be submitted to the City Council for approval and if approved, the works shall be carried out only in accordance with such approved details.
- 11 Full details of the proposed boundary treatments shall be submitted for approval prior to the commencement of the development and if approved, the boundaries shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 12 The original brick boundary wall of the school at the south

- boundary of the site shall be retained. Any damage to the existing copes shall be replaced to match the existing.
- 13 Before the any of the residential units is first occupied the bin stores and cycle stores indicated on the approved drawings shall be provided and thereafter kept available for use at all times.
- 14 Before any of the residential units in the north most block of flats is first occupied the drying and amenity areas proposed on the roof shall be provided and thereafter kept available for use at all times.
- 15 Full details of the proposed SUDS, for the treatment of surface water, shall be submitted to the City Council for approval and if approved, the development shall be carried out only in accordance with such approved details. For the avoidance of doubt, the details should be in accordance with Sewers for Scotland 2 and to the satisfaction of Scottish Water.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 In the interests of highway safety.
- 4 In the interests of highway safety.
- 5 in the interests of public and highway safety and the visual amenities of the area.
- 6 In the interests of the amenities of the future occupants of the residential accommodation.
- 7 In the interests of the amenities of the future occupants of the residential accommodation.
- 8 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 9 To ensure that the proposed development has a satisfactory external appearance in the

interests of the visual amenities of the area.

- 10 In the interests of the amenities of the future occupants of the residential accommodation.
- 11 In the interests of the amenities of the future occupants of the residential accommodation.
- 12 In order to maintain the existing secure boundary to the school in good condition.
- 13 In the interests of the amenities of the future occupants of the residential accommodation.
- 14 In the interests of the amenities of the future occupants of the residential accommodation.
- 15 In order to ensure that the surface water is dealt with within the site and in accordance with sustainable methods as required by Scottish Water.